

MAN

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS CHICAGO EASTERN DIVISION

KENDALE MCCOY,)
)
Petitioner.) CASE NO. 08 cv 1453
v.)
)
TERRY L. McCANN,)
Respondent.)

FILED

AUG 26 2008
AUG 26 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

MOTION TO WITHDRAW PETITION FOR A WRIT OF HABEAS CORPUS
WITH LEAVE TO REINSTATE

NOW COMES the Petitioner Kendale McCoy and moves this Honorable Court, pursuant to the relevant Rules of Civil Procedure. And asks this Court to allow him leave to withdraw his pending Petition For A Writ of Habeas Corpus With Leave to Reinstate. In further support whereof it is submitted:

1. That newly discovered evidence has emerged in my case.
2. A void judgement based upon a fatally defective indictment exists in my case.
3. I am now in the process of filing a Motion For Leave To File A Successive Petition For Post Conviction Relief. In the trial Court.
4. It may be the strongest possible issue I could raise. Where other's have received relief I would be entitled to the same. If denied, a equal protection, treatment application, or operation under the 14th Amend U.S.C.A. would exist and manifest. Only after exhaustion would it be available for Habeas review.
5. One is allowed to file only one Petition For A Writ of Habeas Corpus.
6. Due to these extenuating circumstances. I am constrained to request leave to withdraw the pending writ, without prejudice, with leave to reinstate, after full exhaustion of all State remedies have been termed.

Petitioner Kendale McCoy pray the same.

Mr. Kendale McCoy
I.D. #K-59039
P.O. Box 112 SOC
Joliet, Illinois 60434

STATE OF ILLINOIS)
) SS.
COUNTY OF WILL)

VERIFICATION

Pursuant to 28 U.S.C. 1746, 18 U.S.C. 1621 or 735 ILCS 5/109. I declare, under penalty of perjury, that I am a named party in the above action, I have read the above documents, and that the information contained therein is true and correct to the best of my knowledge.

[Signature]
AFFIANT

Dated: August 20, 2008

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS CHICAGO EASTERN DIVISION

KENDALE MCCOY,

Petitioner.

v.

TERRY L. McCANN,

Respondent.

CASE NO. 08 cv 1453

PROOF/CERTIFICATE OF SERVICE

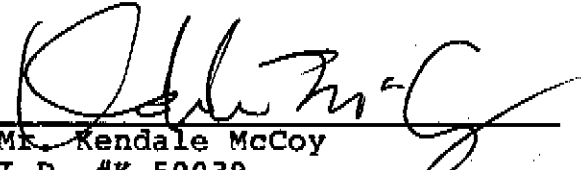
TO: Clerk of the Court
U.S. District Court
219 South Dearborn
Chicago, Illinois [60604]

Lisa Madigan
Illinois Attorney General
100 West Randolph, 12th Fl.
Chicago, Illinois [60602]

PLEASE TAKE NOTICE that on AUGUST 20, 2008, I have placed the documents listed below in the institutional mail at Stateville Correctional Center at P.O. Box 112 in Joliet, IL. 60434 for mailing through The United States Postal Service. **MOTION TO WITHDRAW PETITION FOR A WRIT OF HABEAS CORPUS WITH LEAVE TO REINSTATE.** 1 original and 1 copy is served upon you and each of you.

Pursuant to 28 USC 1746, 18 USC 1621 or 735 ILCS 5/1-109. I declare, under penalty of perjury, that I am a named party in the above action, That I have read the above documents, and that the information contained therein is true and correct to the best of my knowledge.

Dated: AUGUST 20, 2008


Mr. Kendale McCoy
I.D. #K-59039
P.O. Box 112 SCC
Joliet, Illinois 60434

Pro se'